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OFFICE OF PETITIONS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Younes, et al.  
Appl. No.: 09/153,631  
Filed: September 15, 1998  
For: METHOD AND APPARATUS FOR  
DYNAMICALLY SWITCHING  
BETWEEN SPEECH CODERS OF A  
MOBILE UNIT AS A FUNCTION OF  
RECEIVED SIGNAL QUALITY  
Examiner: M. Opsasnick  
Group Art Unit: 2655

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

5/26/04

(Date)

John R. King, Reg. No. 34,362

REQUEST FOR RECONSIDERATION OF ADVISORY ACTION OR,  
IN THE ALTERNATIVE, PETITION TO REVIVE UNDER 37 C.F.R. § 1.183  
WITHOUT ADMISSION THAT PATENT LAPSED

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Technology Center 2600

Dear Sir:

While we have spoken to the Examiner regarding this matter sometime ago, we still have not received a response. Thus, we are concerned regarding the status of this application. Accordingly we are filing this request to ensure that the prosecution of this application continues.

By way of background, the following events occurred during the prosecution of this patent application.

On July 3, 2003, the Examiner mailed a non-final Office Action.

On October 1, 2003, Applicant filed a response to the July 3, 2003 Office Action.

On October 27, 2003, the Examiner mailed an Advisory Action indicating that the response to the July 3, 2003 Office Action did not put the application in a condition for allowance. We note, however, that the Examiner did not ever issue a Final Office Action.

On November 20, 2003, Applicant's representative spoke with the Examiner regarding the Advisory Action, as being improper given that a Final Office Action was never issued. Applicant also sent a Communication to the Examiner, chronicling the

Application No.: 09/153,631

Filed: September 15, 1998

error of receiving an Advisory Action following a non-final Office Action, at the Examiner's request. The Communication is attached hereto as Exhibit A. It was the Applicant understanding that the Examiner would correct the record and issue an Office Action.

On December 2, 2003, Applicant sent a follow-up Communication to the Examiner regarding the Advisory Action following a non-final Office Action. The follow-up Communication is attached hereto as Exhibit B.

On April 27, 2004, Applicant sent another follow-up Communication to the Examiner regarding the Advisory Action following a non-final Office Action which is attached hereto as Exhibit C.

### REMARKS

Applicant hereby requests reconsideration of the Advisory Action mailed October 27, 2003. In the alternative, Applicant respectfully petitions the Commissioner to correct the records and issue an Office Action in response the Office Action response filed October 1, 2003, pursuant to 37 C.F.R. § 1.183.

As the Advisory Action was issued in error, no fee is believed due. However, please charge our deposit account number 11-1410 for any fees which may be required, such as the fee set forth in 37 C.F.R. § 1.17(h). A copy of this letter is enclosed for this purpose.

Please contact the undersigned with any questions or comments concerning this application.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 5/26/04

By: John R. King  
John R. King  
Registration No. 34,362  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

H:\DOCS\KJL\KJL-2931.DOC  
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# Exhibit A

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**OFFICE OF PETITIONS**

ROKWELL.036A

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Younes, et al.  
Appl. No. : 09/153,631  
Filed : September 15, 1998  
For : METHOD AND APPARATUS  
FOR DYNAMICALLY  
SWITCHING BETWEEN  
SPEECH CODERS OF A  
MOBILE UNIT AS A  
FUNCTION OF RECEIVED  
SIGNAL QUALITY  
Examiner : M. Opsasnick  
Group Art Unit: 2655

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) first-class mail in an envelope addressed to:  
) Commissioner for Patents, P.O. Box 1450,  
) Alexandria, VA 22313-1450, on

November 20, 2003  
(Date)

Karen J. Lenker  
Karen J. Lenker, Reg. No. 54,618

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**EXAMINER COMMUNICATION**

Technology Center 2600

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

It appears that an Advisory Action for the above referenced patent application was sent in error. We received a non-final Office Action, dated July 3, 2003, and responded to the July 3, 2003 Office Action in a response, dated October 1, 2003. We received an Advisory Action, dated October 27, 2003. As the prior Office Action is a non-final Office Action, we believe that this Advisory Action is in error. Correction is respectfully requested.

Respectfully submitted,

KNOBBE, MARTENS, OLSON &amp; BEAR, LLP

Dated: November 20, 2003

By: Karen J. Lenker  
Karen J. Lenker  
Registration No. 54,618  
Agent of Record  
Customer No. 20,995  
(949) 760-0404

## Exhibit B

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**OFFICE OF PETITIONS****PATENT**

ROKWELL.036A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Younes, et al.  
Appl. No. : 09/153,631  
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Examiner : M. Opsasnick  
Group Art Unit: 2655

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Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, on

December 2, 2003  
(Date)

Karen J. Lenker  
Karen J. Lenker, Reg. No. 54,618

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JUN 10 2004

Technology Center 2600

**EXAMINER COMMUNICATION**

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

After speaking with the Examiner on November 20, 2003, we sent an Examiner Communication dated November 20, 2003. As instructed by the Examiner, we chronicled the error of receiving an advisory action following the response to a non-final Office Action. It is our understanding that the Examiner will issue a final Office Action to correct this error. It is also our understanding that the shortened statutory period for reply will be set to expire 3 months from the mailing of the final Office Action.

Respectfully submitted,

KNOBBE, MARTENS, OLSON &amp; BEAR, LLP

Dated: December 2, 2003

By: Karen J. Lenker  
Karen J. Lenker  
Registration No. 54,618  
Agent of Record  
Customer No. 20,995  
(949) 760-0404

## Exhibit C

ROKWELL.036A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :Younes, et al.  
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Examiner :M. Opsasnick  
Group Art Unit :2655

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first-class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, on

April 27, 2004

(Date)

Karen J. Lenker  
Karen J. Lenker, Reg. No. 54,618

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Technology Center 2600

EXAMINER COMMUNICATION

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We left a voice mail for the Examiner today regarding an Advisory Action following the response to a non-final Office Action for this patent application.

After speaking with the Examiner on November 20, 2003, we sent an Examiner Communication dated November 20, 2003. As instructed by the Examiner, we chronicled the error of receiving an advisory action following the response to a non-final Office Action. It is our understanding that the Examiner will issue a final Office Action to correct this error. It is also our understanding that the shortened statutory period for reply will be set to expire 3 months from the mailing of the final Office Action.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 27, 2004

By: Karen J. Lenker  
Karen J. Lenker  
Registration No. 54,618  
Agent of Record  
Customer No. 20,995  
(949) 760-0404